

REMARKS**Status of Claims**

Prior to examination on the merits, entry of this Response and Preliminary Amendment is requested. Claims 1-19 were pending in the application. Claims 3 and 7 are cancelled. Claims 1, 2, 4-6, 8, 10, 11, 13, 17 and 18 have been amended. Applicants submit that support for the claim amendments can be found in at least paragraphs 73-88 and 142-150 of the specification.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Accordingly, claims 1, 2, 4-6, and 8-19 are pending in the present application.

Election of Species

In response to the Election of Species Requirement set forth in the Office Action mailed October 4, 2006, Applicants hereby provisionally elect Species 1, claims 1, 2, 4-6, and 8-19 for examination, with traverse. Claims 1, 2, 4-6, 9, and 11-17 are generic. Applicants respectfully submit that claims 1, 2, 4-6, and 8-19 as amended are also readable on Species 2 and 3. Thus, Species 2 and 3 should also be examined in this application. In particular, both Species 2 and 3 are directed to an optical film measuring device having a light source, a light-projection optical system, a photo-detector, an image-formation optical system, a spectroscopic part and a signal processing portion.

If applicable, applicants are also entitled to rejoinder of the additional species that are written in dependent form to an allowed generic claim or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141. Applicants also, of course, reserve the right to file a divisional application covering the subject matter of the non-elected claims.

Receipt of the initial Office Action on the merits is awaited.

Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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